

REMARKS

As an initial matter, the Applicant thanks the Examiner for his thorough review of the present application. Claims 1-20 are currently pending. In the outstanding Office Action, the Examiner has rejected claims 1-20 under §§ 102 and 103 in view of U.S. patents to Moss et al., Phillips and Mochak. Upon review of the Office Action and references, however, Applicant realized that there is a fundamental misunderstanding of the primary reference (Moss et al.). As discussed in detail below, Moss does not disclose, teach or suggest multiple limitations of the pending claims. Accordingly, the Applicant respectfully requests reconsideration of the outstanding rejections.

Claim Amendments

The Applicant has amended claim 8 to clarify its invention. Specifically, the Applicant added the limitation that the beveled edge of the inner surface formed by the arms is spaced apart from the bore when the edge is engaged with the rim of a cartridge. No new matter has been entered.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects claims 1, 2, 10 and 11 under 35 U.S.C. § 102(b) as being anticipated by Moss et al. Moss, however, does not disclose multiple limitations of these claims and Applicant respectfully requests reconsideration.

According to the MPEP, for anticipation under §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. See MPEP §706.02. Any feature not directly taught must be inherently present. *Id.*

As stated in its previous response, Moss et al. does not teach an important aspect of the present invention, i.e., an inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within the cylinder bores of a revolver. Neither the specification, nor the drawings of Moss et al. disclose this claim element. In response to this argument, the Examiner states that “it is inherent that the inner surface has an arc length greater than one-half the circumference of a cartridge disposed within the cylinder bores of the revolver[.] [i]f

this were not the case, then the cartridges attached to the bottom half of the plate would fall down before the cylinder could be pushed back.”

A review of Moss, however, indicates that it is literally *impossible* for the inner surface to have an arc length greater than one-half the circumference of a cartridge as, if it did, one could not load cartridges into the firearm. FIG. 2 of Moss illustrates the plate D, the semi-circular recesses and the “grooves” g, g. To load a cartridge into the firearm of Moss, one takes the cartridge, places it in a semi-circular recess and slides the flange portion into a groove, g. Looking at the side view of the firearm in FIG. 2, the cartridge is slid into the semi-circular recesses and the flange is pressed into the grooves g, g, *from the side*. That is, plate D does not have any holes or openings in its rear surface, i.e., the surface or side facing the user, into which cartridges may be inserted. As such, if the arc length of the semi-circular recess or groove, g, g, is greater than one-half the circumference of a cartridge, the cartridge cannot be loaded into the recess or groove, as it will not fit.

FIG. 1 confirms the absence of holes or openings in the rear surface of the plate, as the plate D is depicted as solid with unbroken diagonal cross-hatching, and the dashed line representing the flange of a cartridge can be seen resting against the face of solid plate D in the uppermost chamber. Further bolstering that the plate D is solid and without openings, is the fact that openings are unnecessary to detonate the rimfire cartridges disclosed in Moss. As shown in FIG. 4, the hammer contacts the flange or rim of the cartridge through the notches along the periphery of the plate D. Moreover, FIG. 1 illustrates the hammer contacting the cartridge flange or rim (dashed line) in the upper chamber. In view of the above, the plate D is solid and without holes or openings in its rear surface and cartridges must be slid into each recess and groove, g, from the side of the firearm, as illustrated in FIG. 2.

In view of the above, the Applicant does not believe that Moss discloses or teaches either expressly or inherently an inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within the cylinder bores of a revolver. Claim 1, 2, 10 and 11 all contain this limitation are allowable over Moss as discussed above.

Claim Rejections – 35 U.S.C. §103

A. *Rejections utilizing Moss et al. as the primary reference.*

The Examiner rejects claims 4-7, 13-19 under 35 U.S.C. § 103(a) for being obvious over Moss et al. in view of various combinations of Philips, Mochak and *In re Boesch*. Applicant respectfully traverses the rejections applied to the pending claims. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03). As discussed above regarding the § 102 rejection, Moss et al. fails to teach or suggest, either explicitly or inherently, an inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within the cylinder bores of the revolver.

The above-referenced claims contain this limitation and a *prima facie* case of obviousness has not been established. As such, withdrawal of the instant rejections is respectfully requested.

B. *Rejections of claim 8 and 9 under 35 U.S.C. § 103(a) over Mochak in view of Philips (and in further view of In re Boesch).*

The Examiner rejects claim 8 under 35 U.S.C. § 103(a) for allegedly being obvious over Mochak in view of Philips. Applicant respectfully traverses the rejection applied to the pending claim. Reconsideration of the claim and withdrawal of the instant rejection are respectfully requested.

Applicant has amended claim 8 to clarify that the beveled edge of the inner surface formed by the arms is *spaced apart from the bore* when the edge is engaged with the cartridge rim. Neither Mochak or Phillips alone or in combination teach or suggest this limitation.

The fact that the beveled edge is spaced apart from the bore when the edge is engaged with the cartridge rim is an important aspect of the present invention. Thin walled cartridges such as rim fire cartridges expand against the bores under the pressures generated during firing. App. at [0005]. Such expansion could potentially make extraction difficult as prior art extractor plates form part of the cylinder bores. *Id.* The present invention addresses this problem through an extractor plate that does not form a part of the bores. App. at [0007]. That is, the beveled edge of the extractor is spaced apart from the bore when the edge is engaged with the cartridge rim. As such, the cartridge does not expand against the extractor and removal is not impeded.

In contrast, the ejector arm 10 and notch 11 in Philips are not spaced apart from the "peripheral groove" of a casing 16. This is best seen in FIGS. 2 and 3. The ejector arm 10 actually extends into the bore of the cylinder 2 when in engagement with the groove of a casing 16. Philips does not disclose, teach, or suggest any configuration other than what is shown in FIGS 2 and 3 and does not even hint at the problem of expansion of rim fire cartridges after discharge. Likewise, Mochak does not identify or address this problem.

In view of the above, Applicant believes that claim 8 as amended, as well as dependent claim 9, are not obviated by Mochak, Philips, and In re Boesch alone or in combination. As such, Applicant respectfully requests reconsideration.


Conclusion

The Applicant believes it has overcome each rejection raised by the Examiner and respectfully requests that the Examiner withdraw the rejections of claims 1-20 and pass these claims to issuance.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 13-0235 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees beyond those already authorized.

Do not hesitate to call Applicants' attorneys at the number below if they may help expedite the prosecution of this application in any way.

Respectfully submitted,

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